

Identity Theft Bills Introduced in the 2006 Iowa Legislative Session

Common Issues	HF 2107	HSB 672	HF 2484	SSB 3019
Expedited Notice Limits	\$50,000 or 500,000 people	\$75,000 or 100,000 people	\$250,000 or 500,000 people	\$250,000 or 500,000 people
Substitute Notification - Number of People Affected and Type of Notification	<p>a. if the information holder demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand persons, or the information holder does not have sufficient contact information. Substitute notice shall consist of all of the following:</p> <p>1. Notice by electronic mail when the information holder has an electronic mail address for the subject person.</p> <p>2. Conspicuous posting of the notice on the information holder's internet website, if the information holder maintains an internet website.</p> <p>3. Notification to major statewide media.</p>	<p>Substitute notice, if the person required to provide notice demonstrates that the cost of providing notice will exceed seventy-five thousand dollars, or that the affected class of residents to be notified exceeds one hundred thousand residents, or that the person does not have sufficient contact information to provide notice. Substitute notice shall consist of all of the following:</p> <p>(1) Notice by electronic mail if the person has electronic mail addresses for the members of the affected class of residents.</p> <p>(2) Conspicuous posting of the notice on the internet website of the person if the person maintains an internet website.</p> <p>(3) Notice to major statewide media.</p>	<p>c. Substitute notice, if the person demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand persons, or the person does not have sufficient contact information. Substitute notice shall consist of all of the following:</p> <p>(1) Electronic mail notice when the person has an electronic mail address for the subject persons.</p> <p>(2) Conspicuous posting of the notice on the person's internet website, if the person maintains an internet website.</p> <p>(3) Notification to major statewide media.</p> <p>5. Notwithstanding subsection 4, a person that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notice requirements of subsection 1 if the person notifies subject persons in accordance with the person's policies in the event of a breach of security of the system.</p>	<p>If the cost of providing notice exceeds two hundred fifty thousand dollars or the number of customers exceeds five hundred thousand, or if insufficient customer contact information exists, the person may provide notice as follows:</p> <p>(1) By electronically mailing notice to customers with electronic mail addresses.</p> <p>(2) By conspicuously posting a notice on the person's website, if the person maintains one.</p> <p>(3) By publishing notice in major statewide media.</p> <p>5. The notice under subsections 2 and 3 shall include all of the following:</p> <p>a. To the extent possible, a description of the personal information reasonably believed to have been accessed, acquired or disclosed.</p> <p>b. A toll-free telephone number that the customer may use to contact the person or the person's agent for the following information:</p> <p>(1) The type of personal</p>

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				<p>information maintained about the customer or about customers in general.</p> <p>(2) Whether the person maintained information about the customer.</p> <p>(3) The toll-free telephone number and address for each of the three largest consumer credit reporting agencies as defined in section 714F.1.</p> <p>6. A waiver by a customer of the provisions of this section is contrary to public policy, and is void and unenforceable.</p> <p>7. A person who violates this section violates section 714.16, subsection 2, paragraph "a". All powers conferred upon the attorney general to accomplish the objectives and carry out the duties prescribed in section 714.16 are also conferred upon the attorney general to enforce this section, including but not limited to the power to issue subpoenas, adopt rules, and seek injunctive relief and a monetary award for civil penalties, attorney fees, and costs. Additionally, the attorney general may seek and recover the greater of five hundred dollars or actual damages for each customer injured by a violation of this section.</p>

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Notification of Consumer Reporting Agencies	No such language contained in this bill.	If a person is required to provide notice to more than one thousand residents under this chapter, the person shall also provide notice, without unreasonable delay, to all known consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined by 15 U.S.C. §1681a. Nothing in this subsection shall be construed to require the person to provide to a consumer reporting agency the names or other personal information of the residents who may have been affected by the breach. This subsection shall not apply to a person who is subject to Title V of the federal Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 et seq.	There appears to be no such language contained in this bill.	The consumer may place a “Security Freeze” on their information with credit reporting agencies.
Remedies	<ol style="list-style-type: none">Any person who is neither an agency of this state nor a political subdivision of this state, and who is injured by a violation of this chapter, may institute a civil action to recover actual damages, court costs, interest, and attorney fees, and to enjoin the information holder from further action in violation of this chapter.The rights and remedies available under this section	The attorney general may bring a civil action in law or equity to address violations of this chapter and for other relief that may be appropriate to ensure proper compliance with this chapter or to recover direct economic damages resulting from a violation, or both. The provisions of this chapter are not exclusive and do not relieve a person subject to this chapter from compliance with all other applicable provisions of law.	<ol style="list-style-type: none"><ol style="list-style-type: none">A person injured by a violation of this section may bring a civil action for an injunction, actual damages, attorney fees, interest, and court costs.The attorney general may bring an action on behalf of an injured person for an injunction, actual damages incurred by the person, attorney fees, interest, and court costs.The rights and remedies available under this section are cumulative to each other and to any	All powers conferred upon the attorney general to accomplish the objectives and carry out the duties prescribed in section 714.16 are also conferred upon the attorney general to enforce this chapter, including but not limited to the power to issue subpoenas, adopt rules, and seek injunctive relief and a monetary award for civil penalties, attorney fees, and costs. Additionally, the attorney general may seek and recover the greater of five hundred dollars or actual damages for each customer injured

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	are cumulative to each other and to any other rights and remedies available under law.		other rights and remedies available under law. 7. As used in this section, "person" means a person as defined in section 4.1 that conducts business in this state and includes a state agency.	by a violation of this chapter.

None of the bills listed in the chart above survived past the March 12, 2006 legislative “funnel” date.